



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/312,428	05/14/99	LAU	ADS-50716

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EXAMINER
KAMM, W

ART UNIT	PAPER NUMBER
3762	9

DATE MAILED: 09/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/312,428

Applicant(s)

LAU ET AL.

Examiner

William E. Kamm

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36-39, 42-46 and 57-68 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 40, 41, 47-56 and 69-79 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/14/99 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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The new abstract is approved.

Claims 36-39, 42-46 and 57-68 are allowed.

This application is in condition for allowance except for the following formal matters:

The objection to the drawing for including reference signs not found in the specification is repeated as a matter of record. Applicant requests a delay in filing necessary drawing corrections until receipt of a notice of allowance. However, the request cannot be granted since a notice of allowance cannot be issued until all matters, including informalities in the content of the drawing are corrected. In order to overcome the above-noted informality, a letter to the Draftsperson with the proposed changes marked in red on a print of the drawings should be promptly submitted.

Paper No. 4 declares this application to be a division of Application No. 09/136,982, filed 8/20/98. Yet applicant's amendment to the reference to parent applications filed 6/22/01 completely ignores this application. Clarification or correction, including any necessary patent number, is required.

Claims 40-41 are objected to for an apparently erroneous dependency from claim 36 rather than claim 39, resulting, in claim 40, there is no inflatable element set forth which would necessitate the recitation of the "inflation passageway" and, in claim 41, there is no antecedent support for "the balloon". Similar claims to claims 39-41 based on other independent claims, i.e. 52-54, support the objection.

Claims 47, 56, 69 and 78 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 38, 46, 59 and 67 respectively. When two claims in an

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application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claims 47 and 69 differ from claims 36 and 57 respectively only in the details of the stent in paragraph (b). Claims 36 and 57 merely claim a "stent". However, claims 38 and 59, dependent from claims 36 and 57 respectively add the same details as found in paragraph (b) of claims 47 and 69 respectively. Thus claims 47 and 69 are substantial duplicates of claims 38 and 59 respectively, which include all of the subject matter of parent claims 36 and 57 respectively.

Claims 48-55, 70-77 and 79 are objected to as being dependent upon a rejected or objected to base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims or otherwise overcoming the rejection or objection of the parent claim.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

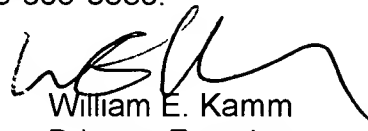
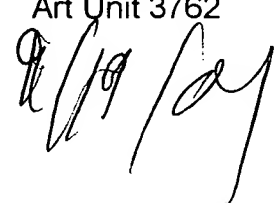
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Any inquiry concerning this communication should be directed to William E. Kamm at telephone number 703-308-2994.

Technology Center 3700 fax number is 703-305-3580.


William E. Kamm
Primary Examiner
Art Unit 3762


Wek

9/19/01